

Issued July 26, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2459.

(Given pursuant to section 4 of the Food and Drugs Act.)

U. S. v. Moses R. Stern. Plea of guilty. Sentence suspended.

ADULTERATION AND MISBRANDING OF EXTRACT OF PEPPERMINT.

On February 5, 1913, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moses R. Stern, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, on August 2, 1911, from the State of New York into the State of Pennsylvania, of a quantity of extract of peppermint which was adulterated and misbranded. The product was labeled: "Trade Mark Extract Peppermint Guaranteed under the Food and Drugs Act, June 30th, 1906, Serial No. 2386."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Solids (grams per 100 cc), 0.71; ash (grams per 100 cc), 0.007; reducing sugars before inversion (grams per 100 cc), 0.01; reducing sugars after inversion (grams per 100 cc), 0.72; sucrose, from copper reduction (grams per 100 cc), 0.67; alcohol by volume, 37.6 per cent; specific gravity (15.6°/15.6° C.), 0.9578; peppermint oil, less than 0.1 per cent; colored with Naphthol Yellow S. This preparation consists of an extremely dilute solution of peppermint oil. Adulteration of the product was alleged in the information for the reason that there was substituted in part for the genuine substance extract of peppermint, water and alcohol, and for the further reason that water and alcohol had been mixed and packed with the product in such a manner as to reduce, lower, and

injuriously affect its quality and strength, and further, in that the product was colored with Naphthol Yellow S, a coal-tar dye, in a manner whereby its inferiority was concealed. Misbranding was alleged for the reason that the label set forth above regarding the product and the ingredients and substances contained therein was false and misleading and the product was labeled so as to deceive and mislead the purchaser thereof in that said label would indicate that the product was an extract of peppermint, conforming to the standard in strength and quality as understood by the trade and the public, whereas in truth and in fact it did not conform to the standard as understood by the trade and public for extract of peppermint, but was a highly dilute extract of peppermint, containing less than 0.1 per cent of peppermint oil, whereas the standard for peppermint extract, as understood by the trade and the public, is a product containing not less than 3 per cent of oil of peppermint.

On February 10, 1913, the defendant entered a plea of guilty to the information and the court suspended sentence.

B. T. GALLOWAY,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *May 24, 1913.*

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